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Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

Re: MB Docket No. 10-238

Dear Secretary Dortch:

This office represents the Board of County Commissioners of Garrett County, Maryland. Garrett County is a political subdivision of the State of Maryland and comprises the westernmost County of the State. It has a population of 30,000 residents, and comprises, geographically, 656 square miles. Despite this, the residents of Garrett County are denied access to broadcast services and stations located in the State of Maryland.

The lack of access by the residents of Garrett County to stations located in Maryland has been a longstanding problem and is a direct byproduct of the use of the Designated Market Area system ("DMA"). Garrett County and its residents are significantly and adversely impacted by the use of DMAs.

Garrett County, Maryland, is a rural County. In the vernacular of the Federal Communications Commission (the "FCC"), it is generally comprised of a "white area" where it is difficult if not impossible to receive off-air broadcasts. Historically, the fact that off-air broadcasts were not available, led to the early development of cable television systems within the County and, most recently, to the proliferation of satellite program distribution. As a result of the provisions of 47 USC § 338, and 17 USC § 122, the satellite broadcasters are required to use DMAs to define local markets. This results in all of Garrett County being treated as a part of the local market for Pittsburgh, Pennsylvania. For satellite customers, they are not even able to secure public broadcasting when there is a facility for that broadcasting located within the County itself. As a result of the use of DMAs, public broadcasting, like all other "local" broadcasting, originates more than a hundred miles away in an adjacent state.

Garrett County believes that it's residents are severely disadvantaged by the use of the DMA model to define local markets. Residents of Garrett County can receive no information from a television station originating in Maryland and, therefore, have no access to in-state broadcast programming, either over the air or from a multi-channel video programming distributor, such as the satellite networks or cable television. We also believe that the FCC should reject the concept that the term "local market," as it is being considered in conjunction with the mandated review in § 304(2) of the Satellite Television Extension and Localism Act of 2010 ("STELA"), means the "DMA." The use of DMA results in a "one size fits all" mentality and injures, in this case, a political subdivision of the State of Maryland and discriminates against that political subdivision on a basis that it is neither rationale nor, with due regard to the Nielson survey, credible.


Historically, DMAs are used to develop audience data and allow commerce to move forward in the planning and buying of television advertising. The use of the DMA in the context of Garrett County, however, makes no sense and does not support that rationale. If one simply looks at the most recent election cycle and the amounts spent in the Pittsburgh DMA, you can see that residents of Garrett County, Maryland, were saturated with political advertising from an adjacent state that was of no value to the advertisers or to the recipients.

The purpose of this correspondence is to allow Garrett County, Maryland, to join with others in opposition to the extension of the use of DMA's and, in particular, to the signal carriage rights provisions of 47 USC § 338. There must be a process and a policy reflected in both the legislation and in the regulations of the FCC to ensure that a geographic subdivision of a state is permitted and assured that its residents can receive television broadcasts from stations located in their state.

We will be happy to make available to the Commission any information or any additional data that may be appropriate for consideration by the FCC in carrying out the mandates of § 304 of STELA.

Very truly yours,

GORMAN E. GETTY, III, P.A.

By 

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GEG/vas

cc: Board of County Commissioners of Garrett County
Mr. R. Lamont Pagenhardt